THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19169 OF 2005

DATED:31.8.2005

Between:

Ravela Bayaz, S/o.Benny

R/o.H.No.7-17-141/17, Ratnapuri Colony

6th Lane, Guntur, and others

…Petitioner

And

The District Collector, Warangal and others

…Respondents

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ORDER:

The petitioners claim to be protected tenants of the land covered by S.Nos.87 to 89, 158 to 160 and 146 of Jangaon. The land originally belongs to American Baptist Foreign Mission Society, U.S.A. and the Property Association of Baptist Churches, Kavali is the Custodian of all properties. The petitioners alleged that due to abnormal increase of the cost of land, many people encroached upon the land and executed registered sale deeds in favour of third parties. The petitioners complaints proved in vain and they were not able to protect their lands. To make living, they left Janagaon. While doing so, they gave general power of attorney to Mohd. Ibrahim to

take action to recover the land, but he could not take action as he was murdered. After coming back to Janagaon, petitioners approached Telugu Baptist Churches of Janagaon to recover the land. Said Church agreed to help to recover all the properties on condition of petitioners bearing expenses. The Church also passed a resolution authorizing its secretary to recover the properties. Thereafter, the Secretary of the Church association filed Writ Petition No.17420 of 2005 before this Court which was dismissed by this Court on the ground of locus of the secretary of the church. In the meanwhile, some people obtained pattas from respondents 1 and 2 and approached third respondent for building permissions. Therefore, petitioners filed present Writ Petition seeking a direction to respondents 1 and 2 not to grant pattas in respect of subject lands and also further direction to third respondent not to grant any building permissions.

The A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Act) is an enactment relating to mutual rights and obligations of landholders and tenants of agricultural lands in relation of such lands. There are adequate provisions in the Act, which enables a protected tenant to get his right declared, to evict the encroachers from and land and also get back possession of the land (See Sections 32, 38E and 90 of the Act). The petitioners have not placed any material before this Court to show that they are protected tenants except stating that there was compromise between Association of Baptist Churches and petitioners. In this background, it is not possible to effectively adjudicate the right of the petitioners. It is open to the petitioners to approach appropriate authorities under the Act to get back possession of the land and also seek appropriate interim orders from such authority preventing the respondents herein from precipitating the action. Liberty is reserved to petitioners to approach the authorities accordingly.

The Writ Petition with the above observations is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

31.8.2005

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